

EXHIBIT 5

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Co-Counsel for Plaintiff,
The Official Committee of Unsecured Creditors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

THE LEGACY ESTATE GROUP, LLC, a
California Limited Liability Company, formerly
doing business as FREEMARK ABBEY WINERY,
BYRON VINEYARD & WINERY, AND
ARROWOOD VINEYARD & WINERY,

Debtor.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE LEGACY ESTATE
GROUP, LLC,

Plaintiff,

v.

JOHN M. BRYAN, JOHN M. AND FLORENCE
E. BRYAN TRUST, J.M. BRYAN FAMILY
TRUST, KULWINDER SIDHU, DEVINDER
SIDHU, PACIFIC PARAGON INVESTMENT
FUND LTD., a British Columbia company,
HARRY CHEW, and AIC CAPITAL PARTNERS,
LLC, a California limited liability company,

Defendants.

Case No. 05-14659

Chapter 11

Adversary Proceeding No. 06-01173

**OFFICIAL COMMITTEE OF
UNSECURED CREDITORS'
OPPOSITION TO BRYAN
DEFENDANTS' MOTION TO CERTIFY
PROCEEDING TO DISTRICT COURT
FOR TRIAL BY JURY PURSUANT TO
BANKRUPTCY LOCAL RULE 9015-2**

Hearing Date: February 23, 2007

Time: 9:00 a.m.

Judge: Hon. Alan Jaroslovsky

1 JOHN M. BRYAN, JOHN M. AND FLORENCE
2 E. BRYAN TRUST, J.M. BRYAN FAMILY
3 TRUST,

4 Defendants/Cross-Claimants,

5 v.

6 KULWINDER SIDHU, DEVINDER SIDHU,
7 PACIFIC PARAGON INVESTMENT FUND
8 LTD., a British Columbia company, HARRY
9 CHEW, and AIC CAPITAL PARTNERS, LLC, a
10 California limited liability company, AND
11 LAMINAR DIRECT CAPITAL, L.P., a Texas
12 limited partnership

13 Defendants/Cross-Defendants.

14 The Official Committee of Unsecured Creditors (the "Committee") appointed in the Chapter
15 11 case of The Legacy Estate Group LLC ("Legacy") hereby opposes the Motion to Certify
16 Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2 (the
17 "Certification Motion") by Defendants John M. Bryan, John M. and Florence E. Bryan Trust, and
18 J.M. Bryan Family Trust (collectively, the "Bryan Defendants").

19 I. INTRODUCTION

20 The Bryan Defendants' Certification Motion is at minimum premature, for several reasons.
21 The Certification Motion is premised on the assumption that the John M. and Florence E. Bryan
22 Trust (the "J&FB Trust") has not filed a proof of claim in this bankruptcy case and thus has not
23 waived any right to seek a jury trial. The Certification Motion fails to disclose facts that strongly
24 suggest the J&FB Trust, acting as "Sycamore Vineyards," may very well have waived its right to a
25 jury trial by virtue of Sycamore Vineyards' filing of proofs of claim against the Legacy estate. At
26 the very least, the Court should afford the Committee time to investigate Sycamore Vineyards'
27 relationship with the J&FB Trust to determine whether the latter has waived its right to a jury trial.

28 The one Defendant that plainly has not filed a proof of claim, AIC Capital Partners, LLC
("AIC"), has advised the Committee that it waives any right to a jury trial as to the claims asserted
by the Committee in its First Amended Complaint (the "FAC"). In addition, the Committee has filed
with this Opposition a notice of withdrawal of its demand for a jury trial.

1 Not all Cross-Defendants have responded to the Bryan Defendants' Cross-Complaint and, as
2 a result, it is not clear whether all parties to this litigation will assert a right to a jury trial.

3 Finally, no prejudice will arise from deferring adjudication of the Certification Motion until
4 the parties have thoroughly investigated the relevant facts and provided them to the Court. No
5 discovery has been taken and the Court has not even held its first status conference. Given that this
6 proceeding is in its infancy, no prejudice will arise from the Court taking the time to make a fully
7 informed decision on the Certification Motion.

8 II. ARGUMENT

9 A. Substantial Evidence Indicates that the J&FB Trust Operates Under the 10 Fictitious Name Sycamore Vineyards – A Claimant in the Legacy Bankruptcy.

11 Substantial evidence supports the conclusion that the J&FB Trust has waived any right to a
12 jury trial because the J&FB Trust operates under the fictitious name "Sycamore Vineyards."
13 Sycamore Vineyards has not only filed two proofs of claim against the Legacy estate, but received
14 payments from estate property during the bankruptcy case pursuant to the May 11, 2006 Final DIP
15 Financing Order (the "Final DIP Order") and the May 17, 2006 Order Deeming Parties to Assumed
16 Contracts to be Adequately Assured of Future Performance (the "Adequate Assurance Order").

17 As detailed in the Declaration of John H. MacConaghy in Support of Opposition to Bryan
18 Defendants' Motion to Certify Proceeding to District Court (the "MacConaghy Decl."), it appears
19 that the J&FB Trust did or does business under the name "Sycamore Vineyards." MacConaghy
20 Decl., ¶ 3. In November 1993, a Statement of General Partnership for a general partnership known
21 as Sycamore Vineyards was recorded in the Napa County official records. MacConaghy Decl., ¶¶ 5-
22 6 and Ex. 3. The recorded Statement is succinct: it identifies John and Florence Bryan as the
23 general partners and authorizes either general partner to convey any real property held in the name of
24 the partnership. See Ex. 3. That same month, Sycamore Vineyards conveyed its sole asset – a piece
25 of real property – to the J&FB Trust. MacConaghy Decl., ¶ 7 and Ex. 4. In 1997, the J&FB Trust
26 conveyed the same property to Mr. and Mrs. Bryan as community property. Id. ¶ 9 and Ex. 5. In
27 2000, Mr. and Mrs. Bryan re-conveyed the property to the J&FB Trust. Id. ¶ 10 and Ex. 6. Two
28 years later, the co-trustees of the J&FB Trust reconveyed the property once again to the Bryans as
community property. Id. ¶ 11 and Ex. 7.

Thus, to the extent one seeks to draw conclusions from the public record, there appears to be no public record of Sycamore Vineyards since 1993. MacConaghy Decl., ¶ 5. It is not possible to say from that record whether Sycamore Vineyards exists or operates under that fictitious name.

What the public record does reflect in the years since 1993 is the flipping back and forth between the Bryans and the JF&B Trust of the partnership's real property (the eponymous Sycamore vineyards).

The two proofs of claim filed by Sycamore Vineyards against the Legacy estate underscore the questions concerning the nature of Sycamore Vineyards and its relationship to the J&FB Trust. John M. Bryan executed both proofs of claim filed by Sycamore Vineyards with the indication that he did so "on behalf of Sycamore Vineyards," but neither proof of claim identifies him as a general partner. MacConaghy Decl., ¶ 12 and Ex. 2. As to Claim No. 139, the Claims Register describes Sycamore Vineyards' address as Attn: Alan Brudos. *Id.* Mr. Brudos is one of the two co-trustees (Mr. Bryan is the other) of the J&FB Trust.

B. The Intertwining of the Affairs of Sycamore Vineyards and the JF&B Trust Suggests that the Latter has Waived Any Right to a Jury Trial By Reason of the Proofs of Claim filed, and Payment Received, by Sycamore Vineyards.

At the very least, the facts described above warrant further development of the Sycamore Vineyards-J&FB Trust relationship. Sycamore Vineyards has filed two proofs of claim against the Legacy estate. MacConaghy Decl., ¶¶ 3, 12 and Ex. 2. Moreover, these claims appear to have been paid with property of the Legacy estate, pursuant to the Final DIP Order and the Adequate Assurance Order.

Whether or not investigation determines that Sycamore Vineyards and the J&FB Trust are the same entity, there is evident intertwining of the affairs of Sycamore Vineyards, the Bryans, and the J&FB Trust. If Sycamore Vineyards is little more than a fictitious name used by the J&FB Trust, then the J&FB Trust has waived its right to a jury trial based upon Sycamore Vineyards' filing of these claims. *See Benedor Corp. v. Conejo Enter., Inc. (In re Conejo Enter., Inc.)*, 96 F.3d 346, 354 n.6 (9th Cir. 1996) (by filing a proof of claim, a creditor submits to the bankruptcy court's jurisdiction and therefore waives any right to a jury trial).

The information available at this point concerning the relationship strongly suggests that, at a minimum, a bankruptcy court is entitled to disregard any distinction between Sycamore Vineyards

1 and the J&FB Trust for purposes of submission to bankruptcy jurisdiction here, and conclude that
2 the Trust has waived any right to a jury trial in this action.

3 **C. The Litigation is Not Yet At Issue, So the Court Does Not Yet Know Whether All**
4 **Parties Will Demand a Jury Trial.**

5 Cross-Defendants AIC Capital Partners LLC ("AIC"), Harry Chew ("Chew"), and Pacific
6 Paragon Investment Fund Limited ("Pacific") have not yet responded to the Bryan Defendants'
7 Cross-Complaint. As a result, this litigation is not at issue, and the Court does not know whether all
8 parties will demand a jury trial. The fact that AIC, Chew and Pacific have not filed any response to
9 the Cross-Complaint warrants deferral of any ruling on the Certification Motion.

10 **D. AIC Waives its Right to a Jury Trial on the FAC and the Committee has**
11 **Withdrawn its Jury Trial Demand.**

12 Counsel for defendant AIC has advised the Committee that AIC waives its right to a jury trial
13 under the FAC. MacConaghy Decl., ¶ 14. Other than as alleged by the J&FB Trust, AIC was the
14 only other party to this proceeding that had not filed a proof of claim and thus submitted to this
15 Court's jurisdiction for trial. Moreover, the Committee, concurrently with the filing of this
16 Opposition, has filed a Notice of Withdrawal of its jury trial demand. Thus, no party other than the
17 J&FB Trust can interfere with this Court's litigation of the issues presented by the FAC – issues
18 inextricably intertwined with the claims allowance process and administration of the Legacy estate.
19 Accordingly, this Court should defer ruling on the Certification Motion until such time as it can
20 determine whether the J&FB Trust has waived the right to request a jury trial in this proceeding and
21 whether the Court should properly retain jurisdiction.

22 **E. No Prejudice Will Result from the Court's Deferral of Ruling on the**
23 **Certification Motion.**

24 None of the parties to this action will suffer prejudice if this Court defers ruling on the
25 Certification Motion to permit proper investigation of the facts. As previously noted, AIC, Chew,
26 and Pacific have not responded to the Cross-Complaint, discovery has not begun and the Court has
27 not even held an initial status conference. Deferral of ruling on the Certification Motion will not
28 result in the duplication of efforts by counsel, the parties, or any court. This Court can continue to
supervise the proceeding while it is determined on a more complete record whether this Court should
retain jurisdiction over matters closely aligned with the claims allowance process and the

1 administration of the Legacy estate. Accordingly, this Court should postpone ruling on the
2 Certification Motion and permit the parties to probe the relationship between Sycamore Vineyards
3 and the J&FB Trust and whether the J&FB Trust has waived any right to a jury trial.

4 **III. CONCLUSION**

5 For the foregoing reasons, the Committee respectfully requests that, pending necessary
6 discovery, the Court defer ruling on the Certification Motion and permit further briefing by the
7 Committee and other parties following such discovery.

8
9 DATED: February 22, 2007

Respectfully submitted,

10 **WINSTON & STRAWN LLP**

11 and

12 **MACCONAGHY & BARNIER, PLC**

13
14 By Hannah L. Blumenstiel
15 Hannah L. Blumenstiel
16 Co-counsel for Plaintiff, The Official
17 Committee of Unsecured Creditors of The
18 Legacy Estate Group, LLC

19 SF:154598.4

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Co-Counsel for Plaintiff,
The Official Committee of Unsecured Creditors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

THE LEGACY ESTATE GROUP, LLC, a
California Limited Liability Company, formerly
doing business as FREEMARK ABBEY WINERY,
BYRON VINEYARD & WINERY, AND
ARROWOOD VINEYARD & WINERY,

Debtor.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE LEGACY ESTATE
GROUP, LLC,

Plaintiff,

v.

JOHN M. BRYAN, JOHN M. AND FLORENCE
E. BRYAN TRUST, J.M. BRYAN FAMILY
TRUST, KULWINDER SIDHU, DEVINDER
SIDHU, PACIFIC PARAGON INVESTMENT
FUND LTD., a British Columbia company,
HARRY CHEW, and AIC CAPITAL PARTNERS,
LLC, a California limited liability company,

Defendants.

Case No. 05-14659

Chapter 11

Adversary Proceeding No. 06-01173

**DECLARATION OF JOHN H.
MACCONAGHY IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO BRYAN
DEFENDANTS' MOTION TO CERTIFY
PROCEEDING TO DISTRICT COURT
FOR TRIAL BY JURY PURSUANT TO
BANKRUPTCY LOCAL RULE 9015-2**

HEARING DATE: February 23, 2007
TIME: 9:00 a.m.
JUDGE: Hon. Alan Jaroslovsky

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

1 I, John H. MacConaghy, state:

2 1. I am an attorney admitted to the bar of this Court and am co-counsel of record for the
3 Plaintiff, the Official Committee of Unsecured Creditors of The Legacy Estate Group, LLC.

4 2. Attached to this Declaration and labeled Exhibit 1 is a correct copy of the portion of
5 the official Claims Register in this bankruptcy case (the "Main Case") showing Proofs of Claim Nos.
6 146, 125, 123, 126, 124, and 122 filed on behalf of Defendants John M. Bryan and the J.M. Bryan
7 Trust. Also contained in Exhibit 1 are the portions of the Claims Register showing Proofs of Claim
8 Nos. 145 and 139 filed on behalf of "Sycamore Vineyards."

9 3. Attached to this Declaration and labeled Exhibit 2 are correct copies of Proofs of
10 Claim Nos. 145 and 139, filed in the Main Case by "Sycamore Vineyards" care of John M. Bryan.
11 As is more fully set forth below, there is substantial evidence that the entity "Sycamore Vineyards"
12 is simply a fictitious business name utilized by Defendant the John M. and Florence E. Bryan Trust.

13 4. On February 20, 2007, I performed a nationwide "Westlaw" public record search on
14 the entity "Sycamore Vineyards", which disclosed no corporation or limited liability company of
15 that name in any state and no registered fictitious business name in the State of California.

16 5. Also on February 20, 2007, I performed a public record search at the Napa County
17 Recorder's Office. At that time, I discovered a general partnership between John M. Bryan and
18 Florence E. Bryan known as "Sycamore Vineyards", which appears to have conveyed its sole real
19 property asset to the John M. Bryan and Florence E. Bryan Trust in 1993. There appears to be no
20 public record of "Sycamore Vineyards" since that time.

21 6. Attached to this Declaration and labeled Exhibit 3 is a correct copy of the "Statement
22 of General Partnership" for Sycamore Vineyards executed on November 26, 1993 and recorded on
23 November 30, 1993.

24 7. Attached to this Declaration and labeled Exhibit 4 is a correct copy of a Grant Deed
25 from Sycamore Vineyards to "John M. Bryan, as Trustee of the John M. and Florence E. Bryan
26 Trust Dated August 19, 1991" executed on November 24, 1993 and recorded on November 30, 1993
27 concerning certain real property purportedly owned by Sycamore Vineyards (but outside any chain
28 of title) commonly known as Napa County A.P. No. 027-250-022.

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1 9. Attached to this Declaration and labeled Exhibit 5 is a correct copy of a Grant Deed
2 with respect to A.P. No. 027-250-022 from the John M. and Florence E. Bryan Trust to "John M.
3 Bryan and Florence E. Bryan, husband and wife," dated July 24, 1997 and recorded on November
4 14, 1997.

5 10. Attached to this Declaration and labeled Exhibit 6 is a correct copy of a Grant Deed
6 with respect to A.P. No. 027-250-022 and other parcels from John M. Bryan and Florence E. Bryan,
7 husband and wife, to the John M. and Florence E. Bryan Trust dated May 19, 2000 and recorded on
8 July 21, 2000.

9 11. Attached to this Declaration and labeled Exhibit 7 is a correct copy of a Grant Deed
10 with respect to A.P. No. 027-250-022 from the John M. and Florence E. Bryan Trust executed on
11 October 16, 2002 and recorded on November 4, 2002. This deed contains the notation, "Deed solely
12 recorded for loan purposes. No realty sold and/or consideration."

13 12. In addition to these public records, the Proofs of Claim themselves create a question
14 as to the nature of "Sycamore Vineyards." As to Claim No. 139, the Claims Register gives the
15 address of "Sycamore Vineyards" Attn: Alan Brudos, who is identified on Exhibits 5 and 7 as a co-
16 trustee of the John M. and Florence E. Bryan Trust. Both Claim Nos. 139 and 145 show that they
17 were executed by John M. Bryan "on behalf of Sycamore Vineyards". Neither Proof of Claim
18 identifies him as a "general partner" of Sycamore Vineyards.

19 13. Based on all of this evidence, the Plaintiff requires time to conduct discovery on
20 whether the Defendant John M. and Florence E. Bryan Trust is, in fact, the legal and/or beneficial
21 owner of the Proof of Claim Nos. 139 and 145 filed in the Main Case purportedly on behalf of
22 "Sycamore Vineyards," in which case a motion to strike the jury demands of the Bryan-related
23 Defendants may be appropriate.

24 14. I have spoken to counsel for defendant AIC Capital Partners, LLC, a California
25 limited liability company ("AIC"). I am informed and believe that AIC has not filed a proof of claim
26 against the Legacy estate. AIC's counsel advised me that AIC waives its right to a jury trial with
27 respect to the Committee's complaint.
28

1 I declare under penalty of perjury of the laws of the United States that the foregoing is true
2 and correct, that I personal first hand knowledge thereto, that if called as a witness I could and would
3 testify competently thereto and that this Declaration is executed on February 20, 2007 at Sonoma,
4 California.

5
6 
7 /s/ John H. MacConaghy
8 John H. MacConaghy
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10 SF:154617.1

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101 California Street
San Francisco, CA 94111-5894

EXHIBIT 1

CANB Live Database - Modify the description for an existing claim

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Creditor: Imprezziv Paper Packaging Inc 138 Corwin St Suite B San Francisco CA 94114	Claim No: 138 Filed: 03/13/2006 Entered: 03/14/2006	Status: Filed by: CR Entered by: lj Modified:
Unsecured claimed: \$10150.00 Total claimed: \$10150.00		
History 138-1 03/13/2006 Claim #138 filed by Imprezziv Paper Packaging Inc , total amount claimed: \$10150 (lj)		
Description:		
Remarks:		

Creditor: Italfoods Inc 205 Shaw Rd South San Francisco CA 94080	Claim No: 9 Filed: 12/02/2005 Entered: 12/05/2005	Status: Filed by: CR Entered by: vj Modified:
Unsecured claimed: \$252 00 Total claimed: \$252.00		
History 9-1 12/02/2005 Claim #9 filed by Italfoods Inc , total amount claimed: \$252 (vj)		
Description:		
Remarks:		

Creditor: J M Bryan Family Trust c/o Bryan and Edwards 600 Montgomery St. 35th Fl San Francisco, CA 94111	Claim No: 146 Filed: 03/14/2006 Entered: 03/14/2006	Status: Filed by: CR Entered by: St. James, Michael Modified:
Unsecured claimed: \$4033873.00 Total claimed: \$4033873.00		
History 146-1 03/14/2006 Claim #146 filed by J M Bryan Family Trust , total amount claimed: \$4033873 (St. James, Michael)		
Description:		
Remarks:		

Creditor: JH Bosche MDI 1930 Jackson San Francisco CA 94109	Claim No: 97 Filed: 02/27/2006 Entered: 03/02/2006 Amended By Claim No: 97	Status: Filed by: CR Entered by: lj Modified:
Unsecured claimed: \$836609.27 Total claimed: \$836609.27		
History 97-1 02/27/2006		

CANB Live Database - Modify the description for an existing claim

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Claim #97 filed by JH Bosche MDT , total amount claimed: \$850000 (lj)
97-2 05/03/2006 Amended Claim #97 filed by JH Bosche MDT , total amount claimed: \$836609.27 (lj)
Description:
Remarks:

Creditor: John M. Bryan Bryan & Edwards 600 Montgomery Street 35th Floor San Francisco, CA. 94111	Claim No: 125 Filed: 03/09/2006 Entered: 03/09/2006 Amended By Claim No. 139	Status: Filed by: CR Entered by: St. James, Michael Modified: 03/14/2006
Secured claimed: \$497115.08		
Total claimed: \$497115.08		
History 125-1 03/09/2006 Claim #125 filed by John M Bryan , total amount claimed: \$497115.08 (St. James, Michael) 139-1 03/14/2006 Claim #139 filed amending Claim #125 filed by Sycamore Vineyards , total amount claimed: \$497115.08 (St. James, Michael)		
Description:		
Remarks: (125-1) Creditor does not match creditor on claim . Registered participant to refile claim with correct creditor.		

Creditor: John M. Bryan Bryan & Edwards 600 Montgomery Street 35th Floor San Francisco, CA. 94111	Claim No: 123 Filed: 03/09/2006 Entered: 03/09/2006	Status: Filed by: CR Entered by: St. James, Michael Modified: 03/14/2006
Unsecured claimed: \$4033873.00		
Total claimed: \$4033873.00		
History: 123-1 03/09/2006 Claim #123 filed by John M. Bryan , total amount claimed: \$4033873 (St. James, Michael)		
Description:		
Remarks: (123-1) Creditor does not match creditor on claim . Registered participant to refile claim with correct creditor.		

Creditor: John M. Bryan Bryan & Edwards 600 Montgomery Street 35th Floor San Francisco, CA. 94111	Claim No: 126 Filed: 03/09/2006 Entered: 03/09/2006 Amends Claim No: 124	Status: Filed by: CR Entered by: St. James, Michael Modified: 03/13/2006
Secured claimed: \$1345444.89		
Total claimed: \$1345444.89		
History: 124-1 03/09/2006 Claim #124 filed by John M. Bryan , total amount claimed: \$134544.89 (St. James, Michael) 126-1 03/09/2006 Claim #126 filed amending Claim #124 filed by John M. Bryan , total amount claimed: \$1345444.89 (St. James, Michael)		

CANB Live Database - Modify the description for an existing claim

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Description: (124-1) Incorrect amount see Amended Claim #126
(126-1) Incorrect amount entered, corrected.

Remarks:

Creditor: John M. Bryan Bryan & Edwards 600 Montgomery Street 35th Floor San Francisco, CA. 94111	Claim No: 124 <i>Filed:</i> 03/09/2006 <i>Entered:</i> 03/09/2006 <i>Amended By Claim No:</i> 126	Status: <i>Filed by:</i> CR <i>Entered by:</i> St James, Michael <i>Modified:</i> 03/13/2006
Unsecured claimed: \$134544.89 Total claimed: \$134544.89		
History: 124-1 03/09/2006 Claim #124 filed by John M Bryan , total amount claimed: \$134544.89 (St James, Michael) 126-1 03/09/2006 Claim #126 filed amending Claim #124 filed by John M Bryan , total amount claimed: \$134544.89 (St. James, Michael)		
<i>Description:</i> (124-1) Incorrect amount see Amended Claim #126 (126-1) Incorrect amount entered, corrected.		
<i>Remarks:</i>		

Creditor: John M. Bryan Bryan & Edwards 600 Montgomery Street 35th Floor San Francisco, CA. 94111	Claim No: 122 <i>Filed:</i> 03/09/2006 <i>Entered:</i> 03/09/2006 <i>Amended By Claim No:</i> 122	Status: <i>Filed by:</i> CR <i>Entered by:</i> St James, Michael <i>Modified:</i>
Unsecured claimed: \$20181673.85 Secured claimed: \$20181673.85 Total claimed: \$40363347.70		
History: 122-1 03/09/2006 Claim #122 filed by John M. Bryan , total amount claimed: \$20181673.85 (St James, Michael) 122-2 10/26/2006 Amended Claim #122 filed by John M Bryan , total amount claimed: \$20181673.85 (St. James, Michael)		
<i>Description:</i>		
<i>Remarks:</i>		

Creditor: John and Cathy Vicini dba Vicini Vineyard c/o Michael C Fallon 100 E St, Ste. 219 Santa Rosa, CA 95404	Claim No: 69 <i>Filed:</i> 02/14/2006 <i>Entered:</i> 02/14/2006	Status: <i>Filed by:</i> CR <i>Entered by:</i> Fallon, Michael <i>Modified:</i> 02/15/2006
Secured claimed: \$97124.86 Total claimed: \$97124.86		
History: 69-1 02/14/2006 Claim #69 filed by John and Cathy Vicini , total amount claimed: \$97124.86 (Fallon, Michael)		

CANB Live Database - Modify the description for an existing claim

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Remarks:

Creditor: Supreme Marketing Inc 46025 Warm Springs Blvd Freimont CA 94539	Claim No: 22 Filed: 12/06/2005 Entered: 12/07/2005	Status: Transfer Filed by: CR Entered by: vj Modified: 09/15/2006
Unsecured claimed: \$699.67		
Total claimed: \$699.67		
History <ul style="list-style-type: none"> 22-1 12/06/2005 Claim #22 filed by Supreme Marketing Inc, total amount claimed: \$699.67 (vj) 04/18/2006 Updated Claim Status (#22). Supreme Marketing Inc transfers their claim #22 to Debt Acquisition Company of America. (lj,) Status: Transfer 		
Description. (22-1) Transferred to Debt Acquisition 3/29/06		
Remarks:		

Creditor: Sycamore Vineyards Bryan & Edwards 600 Montgomery Street 35th Floor San Francisco, CA. 94111	Claim No: 145 Filed: 03/14/2006 Entered: 03/14/2006 Amends Claim No: 139	Status: Filed by: CR Entered by: St. James, Michael Modified: 03/14/2006
Secured claimed: \$497115.08		
Total claimed: \$497115.08		
History: <ul style="list-style-type: none"> 139-1 03/14/2006 Claim #139 filed by Sycamore Vineyards , total amount claimed: \$497115.08 (St. James, Michael) 145-1 03/14/2006 Claim #145 filed amending Claim #139 filed by Sycamore Vineyards , total amount claimed: \$497115.08 (St. James, Michael) 		
Description.		
Remarks: (145-1) Amended to correct party information only.		

Creditor: Sycamore Vineyards Attn Alan Brudos Financial Mgr 600 Montgomery St 35th Floor San Francisco CA 94111	Claim No: 139 Filed: 03/14/2006 Entered: 03/14/2006 Amends Claim No: 125 Amended By Claim No: 145	Status: Filed by: CR Entered by: St. James, Michael Modified:
Secured claimed: \$497115.08		
Total claimed: \$497115.08		
History <ul style="list-style-type: none"> 125-1 03/09/2006 Claim #125 filed by John M. Bryan , total amount claimed: \$497115.08 (St. James, Michael) 139-1 03/14/2006 Claim #139 filed amending Claim #125 filed by Sycamore Vineyards , total amount claimed: \$497115.08 (St. James, Michael) 145-1 03/14/2006 Claim #145 filed amending Claim #139 filed by Sycamore Vineyards , total amount claimed: \$497115.08 (St. James, Michael) 		
Description:		
Remarks (125-1) Creditor does not match creditor on claim Registered participant to refile claim with correct creditor		

CANB Live Database - Modify the description for an existing claim

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(145-1) Amended to correct party information only.

Creditor: Taronsaud North America Corp 505 29th Avenue San Francisco, CA 94121	Claim No: 103 <i>Filed:</i> 03/02/2006 <i>Entered:</i> 03/03/2006	Status: <i>Filed by:</i> CR <i>Entered by:</i> lj <i>Modified:</i>
Unsecured claimed: \$16939.75 Total claimed: \$16939.75		
History: 103-1 03/02/2006 Claim #103 filed by Taronsaud North America Corp , total amount claimed: \$16939.75 (lj)		
Description:		
Remarks:		

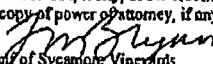
Creditor: The Bottle Meister Inc PO Box 15457 San Luis Obispo CA 93406-5457	Claim No: 67 <i>Filed:</i> 02/06/2006 <i>Entered:</i> 02/09/2006	Status: <i>Filed by:</i> CR <i>Entered by:</i> lj <i>Modified:</i>
Unsecured claimed: \$27357.77 Total claimed: \$27357.77		
History: 67-1 02/06/2006 Claim #67 filed by The Bottle Meister Inc , total amount claimed: \$27357.77 (lj)		
Description:		
Remarks:		

Creditor: The Compleat Winemaker 955 Vintage Ave St Helena CA 94574	Claim No: 151 <i>Filed:</i> 03/14/2006 <i>Entered:</i> 03/15/2006	Status: <i>Filed by:</i> CR <i>Entered by:</i> lj <i>Modified:</i>
Unsecured claimed: \$26854.67 Total claimed: \$26854.67		
History: 151-1 03/14/2006 Claim #151 filed by The Compleat Winemaker , total amount claimed: \$26854.67 (lj)		
Description:		
Remarks:		

Creditor: Tonnellerie Boutes Attn Manny Martinez 1001 Seaspac Circle Rodeo CA 94572	Claim No: 7 <i>Filed:</i> 12/01/2005 <i>Entered:</i> 12/02/2005	Status: <i>Filed by:</i> CR <i>Entered by:</i> kl <i>Modified:</i>
Unsecured claimed: \$116868.00 Total claimed: \$116868.00		
History:		

EXHIBIT 2

FORM B10 (Official Form 10) (Rev. 9/97)

United States Bankruptcy Court Northern District of California		PROOF OF CLAIM
Name of Debtor: THE LEGACY ESTATE GROUP, LLC		Case Number: 05-14659
NOTE: This form is to be filed by a creditor claiming a right to payment or other right in connection with the bankruptcy case.		
Name of Creditor (The person or entity to whom the debtor owes money or property): SYCAMORE VINEYARDS		THIS SPACE IS FOR COURT USE ONLY
Name and address where notices should be sent: Bryan & Edwards 600 Montgomery Street, 35 th Floor San Francisco, CA 94111		
Telephone number: 415-421-9990		
Account or other number by which creditor identifies debtor:		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
1. Basis for Claim <input checked="" type="checkbox"/> Goods sold 2005 Grape Harvest per attached Harvest Report <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensations (Fill out below) Your SS # _____ Unpaid compensations for services performed from _____ to _____ (date) (date)
2. Date debt was incurred: 10/12/2005		3. If court judgment, date obtained:
4. Total Amount of Claim at Time Case Filed: \$ 497,115.08 If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
5. Secured Claim. <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other <u>grape juice</u> Value of Collateral: \$ <u>unknown</u> Amount of mortgage and other charges at time case filed included in secured claim, if any: \$ _____		6. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority: \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4000)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$1800* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). *Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY
8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
9. Time-stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date March 9, 2006	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):  John M. Bryan on behalf of Sycamore Vineyards	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571		

FREEMARK ABBEY WINERY
GROWER HARVEST STATEMENT

HARVEST YEAR: 2005
GROWER: SYCAMORE VINEYARDS

VARIETY	2005 TONS	PRICE/TON	TOTAL PRICE	FINAL	
				DELIVERY DTD	50% DUE DTD
CABERNET SAUVIGNON	88.778	\$ 5,034.13	\$446,919.99	12-Oct	26-Nov
CABERNET FRANC	5.033	\$ 5,017.35	\$25,252.32	5-Oct	19-Nov
MERLOT	7.869	\$ 3,360.49	\$26,443.70	4-Oct	18-Nov
	<u>101.680</u>		<u>\$498,616.01</u>		

AMERICAN VINEYARD FOUNDATION(\$1/\$1,000) (\$498.62)
 DEPT OF F&A PIERCE'S ASSESSMENT(\$2/\$1,000) (\$997.23)
 DEPT OF F&A REPORT FEES(\$.05/T) (\$5.08)

NET BALANCE PAYABLE \$497,115.08

PAYMENT SCHEDULE:

	Pmt Due Dtd	TOTAL PAYABLE
2005	26-Nov	\$249,308.01
2006	15-Jan	<u>\$247,807.07</u>
		<u>\$497,115.08</u>

FORM B10 (Official Form 10) (Rev. 9/97)

United States Bankruptcy Court Northern District of California		PROOF OF CLAIM	
Name of Debtor: THE LEGACY ESTATE GROUP, LLC		Case Number: 05-14659	
Name of Creditor (The person or entity to whom the debtor owes money or property): SYCAMORE VINEYARDS		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name and address where notices should be sent: Bryan & Edwards 600 Montgomery Street, 35 th Floor San Francisco, CA 94111		THIS SPACE IS FOR COURT USE ONLY	
Telephone number: 415-421-9990			
Account or other number by which creditor identifies debtor:		Check here <input type="checkbox"/> if this claim: replaces a previously filed claim, dated: _____ <input type="checkbox"/> amends	
1. Basis for Claim <input checked="" type="checkbox"/> Goods sold 2005 Grape Harvest per attached Harvest Report <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensations (Fill out below) Your SS # _____ Unpaid compensations for services performed from _____ (date) to _____ (date)	
2. Date debt was incurred: 10/12/2005		3. If court judgment, date obtained:	
4. Total Amount of Claim at Time Case Filed: \$ <u>497,115.08</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
5. Secured Claim. <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other <u>grape juice</u> Value of Collateral: \$ <u>unknown</u> Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____		6. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority: \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4000)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$1800* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties to governmental units - 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). *Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY	
8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
9. Time-stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.			
Date March 9, 2006	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): John M. Bryan on behalf of Sycamore Vineyards		
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.			

**FREEMARK ABBEY WINERY
GROWER HARVEST STATEMENT**

**HARVEST YEAR: 2005
GROWER: SYCAMORE VINEYARDS**

VARIETY	2005		TOTAL		FINAL	
	TONS	PRICE/TON	PRICE	DELIVERY DTD	50% DUE DTD	
CABERNET SAUVIGNON	88.778	\$ 5,034.13	\$446,919.99	12-Oct	26-Nov	
CABERNET FRANC	5.033	\$ 5,017.35	\$25,252.32	5-Oct	19-Nov	
MERLOT	7.869	\$ 3,360.49	\$26,443.70	4-Oct	18-Nov	
	<u>101.680</u>		<u>\$498,616.01</u>			

AMERICAN VINEYARD FOUNDATION(\$1/\$1,000) (\$498.62)
DEPT OF F&A PIERCE'S ASSESSMENT(\$2/\$1,000) (\$397.23)
DEPT OF F&A REPORT FEES(\$.05/T) (\$5.08)

NET BALANCE PAYABLE \$497,115.08

PAYMENT SCHEDULE:

	Pmt Due Dtd	TOTAL PAYABLE
2005	26-Nov	\$249,308.01
2006	15-Jan	\$247,807.07
		<u>\$497,115.08</u>

EXHIBIT 3

Recording Requested By



1993 038880

OFFICIAL RECORDS OF
NAPA COUNTY
H. KATHLEEN BONDS

And When Recorded Mail To:

John M. Bryan
600 Montgomery St. 3.
San Francisco, CA 941

AT REQUEST OF: NAPA LAND TITLE COMPANY
11/30/1993 11:56 AM
Fee: \$ 17.00 Pgs: 5
IT: \$.00

STATEMENT OF GENERAL PARTNERSHIP

The name of this partnership is SYCAMORE VINEYARDS, a general partnership. The partners are John M. Bryan and Florence E. Bryan.

The partners named in this statement are all of the partners.

Any partner named in this statement, either alone, or in combination with any other partner named in this statement, may convey title to any real property held in the partnership named by a conveyance as defined in Section 15010.5(2) of the California Corporations Code executed in the partnership name.

Dated: 11/26/93

John M. Bryan
John M. Bryan, General Partner

Dated: 11/26/93

Florence E. Bryan
Florence E. Bryan, General Partner

OLD REPUBLIC TITLE

ID:415-397-0199

NOV 24'93 16:49 No.025 P.06

Verification:

State of California)
County of SAN FRANCISCO) ss.

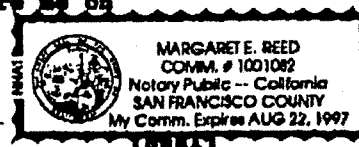
The undersigned, being duly sworn says: that he/she
is JOHN M. BRYAN, that he/she has said the
same, and knows the contents thereof, and that the
facts stated therein are true.

John M. Bryan
Signature of Affiant
JOHN M. BRYAN

Subscribed and sworn to before me on

November 29, 1993
Date

Margaret E. Reed
Notary's signature



Notary Public in and for the County
of SAN FRANCISCO

OLD REPUBLIC TITLE

ID:415-397-0199

NOV 24'93

16:49 No.025 P.06

Verification:

State of California)
County of SAN FRANCISCO) ss.

The undersigned, being duly sworn says: that he/she
is FLORENCE E. BRYAN, that he/she has said the
same, and knows the contents thereof, and that the
facts stated therein are true.

Florence E. Bryan

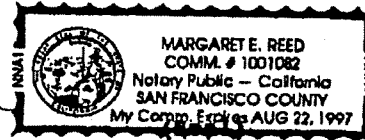
Signature of Affiant

FLORENCE E. BRYAN

Subscribed and sworn to before me on

November 29, 1993
Date

Margaret E. Reed
Notary's signature



Notary Public in and for the County
of SAN FRANCISCO

OLD REPUBLIC TITLE

ID:415-397-0199

NOV 24 '93

16:48 No.025 P.05

State of California
County of SAN FRANCISCO

On November 29, 1993 before me, the undersigned, a Notary Public in and
for said State, personally appeared John M. Bayan

personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

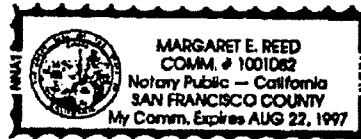
WITNESS my hand and official seal.

Signature

Margaret E. Reed

Name

MARGARET E. REED
(typed or printed)



(Seal)

NOV 24 93 10:46 AM 025 P.05

END OF DOCUMENT

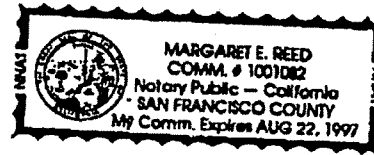
State of California
County of SAN FRANCISCO

On November 29 1993 before me, the undersigned, a Notary Public in and
for said State, personally appeared FLORENCE E. BEJAN

personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature Margaret E. Reed
Name MARGARET E. REED
(typed or printed)



(Seal)

EXHIBIT 4

RECORDING REQUESTED BY
 ORDER # Napa Land Title Company
 601104 / Esc #316677-JK
 APN 027-250-022
 WHEN RECORDED MAIL TO

Name John M. Bryan
 Street Address 600 MONTGOMERY STREET, 35th Fl
 City & State SAN FRANCISCO, CA 94111



1993 038881

OFFICIAL RECORDS OF
 NAPA COUNTY
 H. KATHLEEN BONDS

AT REQUEST OF: NAPA LAND TITLE COMPANY
 11/30/1993 11:58 AM
 Fee: \$ 8.00 Pgs: 2
 TT: \$.00

SPACE ABOVE THIS LINE FOR RECORDERS USE

Grant Deed

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ -0-

- (X) computed on full value of property conveyed, or
 () computed on full value less value of liens and encumbrances remaining at time of sale
 (X) Unincorporated area: () City of _____
 () Realty not sold.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
 Sycamore Vineyards, a partnership

herby GRANT(S) to John M. Bryan, as Trustee of the John M. and Florence E. Bryan
 Trust Dated August 19, 1991

that property in the City of Rutherford, Napa
 State of California, described as:

County,

* * * See "Exhibit A" attached hereto and made a part hereof. * * *

Mail tax statements to Grantee at address above

Date November 12, 1993

Sycamore Vineyards

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

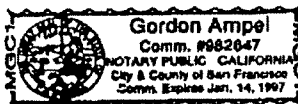
On November 24, 1993 before me, the
 undersigned, a Notary Public in and for said State, personally appeared
 John M. Bryan

✓ John M. Bryan

personally known to me (or proved to me on the basis of satisfactory
 evidence) to be the person(s) whose name(s) is/are subscribed to the within
 instrument and acknowledged to me that he/she/they executed the same in
 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on
 the instrument the person(s), or the entity upon behalf of which the person(s)
 acted, executed the instrument.

WITNESS my hand and official seal.

Signature Gordon Ampel
 Name Gordon Ampel
 (typed or printed)



(This area for official notarial seal)

F702-10-071

MAIL TAX STATEMENTS AS DIRECTED ABOVE

END OF DOCUMENT

EXHIBIT "A"

PARCEL ONE:

Commencing at a nail and tag marked RCE 10648 at the intersection of the Westerly line of the San Francisco, Vallejo, and Napa Valley Railroad right of way and the centerline of the County Road known as "Bella Oaks Lane"; thence South 44° 45' West 3995.27 feet along said centerline to a nail and tag marked RCE 10648; thence South 35° 05' East along the centerline of a 25 foot right of way the sidelines which are shortened or prolonged to intersect the lines of the Parcel to be described herein and the Southerly line of Bella Oaks Lane, 106.00 feet to a nail and tag marked RCE 10648 being the true point of beginning; thence South 47° 55' West 248.82 feet to an iron pipe monument marked RCE 10648; thence South 43° 32' 30" East 275.29 feet to an iron pipe monument marked RCE 10648; thence South 63° 02' 30" East 129.11 feet to an iron pipe monument marked RCE 10648; thence North 44° 58' East 151.43 feet to an iron pipe monument marked RCE 10648; thence North 19° 14' West 91.62 feet to an iron pipe monument marked RCE 10648; thence North 46° 07' 45" East 248.63 feet to an iron pipe monument marked RCE 10648; thence North 41° 20' 45" West 156.90 feet to an iron pipe monument marked RCE 10648; thence South 48° 29' 45" West 118.07 feet to an iron pipe monument marked RCE 10648; thence North 74° 36' West 136.84 feet to the true point of beginning.

PARCEL TWO:

TOGETHER WITH a Right of Way for road and utility purposes 25 feet in width as described in the Judgement of Preliminary Distribution, recorded June 1, 1969 in Book 652 of Official Records at Page 911, Napa County Records.

APN: 027-250-022

JMB

EXHIBIT 5

RECORDING REQUESTED BY
 NORTH AMERICAN TITLE COMPANY
 Escrow No M908263 Order No. 901315
 AND WHEN RECORDED MAIL TO

Name John M. Bryan
 Street Alan R. Brudos
 Address 600 Montgomery St. 35th Fl
 San Francisco, Ca. 94111

City &
 State

901 315



1997 026953
 OFFICIAL RECORDS OF
 NAPA COUNTY
 H. KATHLEEN BONDS

AT REQUEST OF NORTH AMERICAN TITLE CO.
 11/14/1997 08:00 AM
 Fee: \$ 10.00 Pgs: 2
 TT: \$.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INDIVIDUAL GRANT DEED

A.P.N. 027-250-220

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 0.00

City Transfer Tax is \$

() computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

() Unincorporated area: (x) City of Rutherford, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, John M. Bryan and Alan R. Brudos, Co Trustees of The John M. and Florence E. Bryan Trust dated August 19, 1991

hereby GRANT(S) to John M. Bryan and Florence E. Bryan, husband and wife
 as Community property

the following described real property in the Rutherford

County of Napa, State of California:

See Legal Description attached hereto and made a part hereof

Dated: July 24, 1997

STATE OF CALIFORNIA } SS.
 COUNTY OF SAN FRANCISCO }

On August 1, 1997 before me,

MARGARET E. REED, personally appeared

John M. Bryan and Alan R. Brudos

Brudos

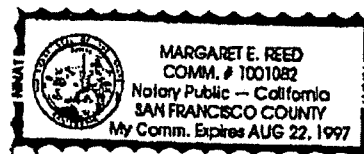
personally known to me (or-proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Margaret E. Reed

John M. Bryan, Co Trustee

Alan R. Brudos, Co Trustee



(This area for official notarial seal)

MAIL TAX
 STATEMENTS TO: SAME AS ABOVE

NAME

ADDRESS

CITY/STATE/ZIP

END OF DOCUMENT

DESCRIPTION:

The land referred to herein is situated in the State of California, County of NAPA, City of RUTHERFORD, and is described as follows:

PARCEL ONE:

COMMENCING AT A NAIL AND TAG MARKED RCE 10648 AT THE INTERSECTION OF THE WESTERLY LINE OF THE SAN FRANCISCO, VALLEJO, AND NAPA VALLEY RAILROAD RIGHT OF WAY AND THE CENTERLINE OF THE COUNTY ROAD KNOWN AS "BELLA OAKS LANE"; THENCE SOUTH 44° 45' WEST 3995.27 FEET ALONG SAID CENTERLINE TO A NAIL AND TAG MARKED RCE 10648; THENCE SOUTH 35° 25' EAST ALONG THE CENTER LINE OF A 25 FOOT RIGHT OF WAY THE SIDE LINES WHICH ARE SHORTENED OR PROLONGED TO INTERSECT THE LINES OF THE PARCEL TO BE DESCRIBED HEREIN AND THE SOUTHERLY LINE OF BELLA OAKS LANE, 106.00 FEET TO A NAIL AND TAG MARKED RCE 10648; BEING THE TRUE POINT OF BEGINNING; THENCE, SOUTH 47° 55' WEST 248.82 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE SOUTH 43° 32' 30" EAST 275.29 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE SOUTH 63° 02' 30" EAST 129.11 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE; NORTH 44° 58' EAST 151.43 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE, NORTH 19° 14' WEST 91.62 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE, NORTH 46° 07' 45" EAST 248.63 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE NORTH 41° 20' 45" WEST 156.90 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE, SOUTH 48° 29' 45" WEST 118.07 FEET TO AN IRON PIPE MONUMENT MARKED RCE 10648; THENCE, NORTH 74° 36' WEST 136.34 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL TWO:

A RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES, 25 FEET IN WIDTH AS DESCRIBED IN THE JUDGEMENT OF PRELIMINARY DISTRIBUTION RECORD JUNE 1, 1962 IN BOOK 652 OF OFFICIAL RECORDS AT PAGE 911, NAPA COUNTY RECORDS.

ASSESSORS PARCEL NO. 027-250-220

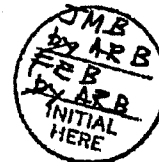


EXHIBIT 6

FIRST AMERICAN TITLE COMPANY
OF NAPA

Order No: 115798-11

When recorded mail to:

JOHN M. BRYAN
600 MONTGOMERY STREET
SAN FRANCISCO, CA. 94111-2702

(12)

2000-0018455

Recorded
Official Records
County Of
NAPA
JOHN TUTEUR
Recorder

REC FEE 13.00

08:00AM 21-Jul-2000

SV
Page 1 of 3

For Recorder's Use Only

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

THE UNDERSIGNED GRANTOR DECLARES
DOCUMENTARY TRANSFER TAX \$ -0-

____ Computed on the consideration or value of property conveyed; OR

____ Computed on the consideration or value less liens or encumbrances remaining at time of sale.

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOHN M. BRYAN AND FLORENCE E. BRYAN, husband and wife

hereby GRANT(S) to

JOHN M. BRYAN AND ALAN R. BRUDOS, Co-Trustees of the JOHN M. AND FLORENCE E. BRYAN TRUST dated August 19, 1991

the real property in the County of Napa, State of California, described as

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF
AND DESIGNATED EXHIBIT "A"

Dated: May 19, 2000

STATE OF CALIFORNIA

San Francisco }
COUNTY OF NAPA } ss

On May 23, 2000, before me,
Rica L. Gatchalian, Notary Public personally
appeared JOHN M. BRYAN AND FLORENCE E. BRYAN,
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies) and that by
his/her/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal

Signature Rica L. Gatchalian
Notary Public

JOHN M. BRYAN

FLORENCE E. BRYAN



MAIL TAX STATEMENTS AS DIRECTED ABOVE

Form NAP1097SP

EXHIBIT "A"

PARCEL ONE:

Commencing at the most westerly corner of that certain tract of land described in the deed to NAPA/KS 1994 TRUST, u/a dated October 24, 1994, John M. Bryan Trustee, recorded November 15, 1994 under Series Number 1994 033763 of Official Records of Napa County; thence along the northwesterly line thereof North 44°40' East a distance of 392 feet to a point on the western boundary line of the Caymus Rancho at an iron stake which marks the most westerly corner of the 106.93 acre tract of land conveyed by Clarence N. Riggins, Administrator of the Estate of Mary A. Doak, deceased to Arthur W. Bennett by Deed recorded July 8, 1926 in Book 18 at Page 455 of Official Records of Napa County; thence along the northwesterly line of said lands of Bennett North 45°20' East 80.50 feet to an angle point which forms the northwestern line of that certain tract of land described in the deed to John M. Bryan, Trustee of the NAPA/AA 1994 Trust, u/a dated 10/24/94, recorded December 13, 1999 under Series Number 1999-0037525 of Official Records of Napa County; thence along the northwestern line thereof North 45°20' East a distance of 604.46 feet to the Point of Beginning; thence continuing along the boundary of the lands of the NAPA/AA 1994 Trust the following courses and distances: S43°47'49"E 352.00 feet, S64°42'13"E 155.29 feet to an iron pipe monument marked "RCE 10648", N45°44'58"E 151.43 feet to an iron pipe monument marked "RCE 10648", N19°14'W 91.62 feet to a ¾" iron pipe monument marked "RCE 10648", N46°07'45"E 248.63 feet to an iron pipe monument marked "RCE 10648", N41°20'45"W 156.90 feet to an iron pipe monument marked "RCE 10648", S48°29'36"W 118.07 feet to an iron pipe monument marked "RCE 10648", N74°36'00"W 178.26 feet, N45°10'05"W 103.36 feet, more or less, to a point on the northwestern line of that certain tract of land described in the deed to NAPA/KS 1994 TRUST, u/a dated 10/24/94, John M. Bryan Trustee; recorded November 15, 1994 under Series Number 1994 033769 of Official Records of Napa County; thence along said northwestern line and the Southwesterly prolongation thereof, South 45°20' West a distance of 290.20 feet, more or less, to the Point of Beginning.

APN: 027-250-022; Portions of 027-250-040 & 027-250-043

PARCEL TWO:

An easement for the maintenance, repair and replacement of an existing septic leach field, described as follows:

Beginning at the southwesterly terminus of that certain course of Parcel One above shown as "S48°29'36"W 118.07 feet"; thence along the northeasterly boundary of said Parcel One above described N74°36'00"W 178.26 feet and N45°10'05"W 33.36 feet; thence N44°49'55"E 87.06 feet, more or less, to a point which is N45°10'05"W from the Point of Beginning; thence S45°10'05"E 188.92 feet, more or less, to the Point of Beginning.

PARCEL THREE:

A non-exclusive easement for the maintenance, repair and replacement of an existing septic leach field, 10 feet in width, described as follows:

Beginning at the northwesterly terminus of that certain course called "N45°10'05"W 103.36 feet" described in PARCEL ONE above, said point being on the northwesterly boundary of that certain tract of land described in deed to John M. Bryan, Trustee of the NAPA/AA 1994 Trust, u/a dated 10/24/94, recorded December 13, 1999 under Series Number 1999-0037525 of Official Records of Napa County; thence along the northwesterly

END OF DOCUMENT

FATCO/BRYAN FAMILY TRUST
115798-11

boundary thereof N45°20'E 205.00 feet; thence leaving said northwesterly boundary S45°10'05"E 10.00 feet; thence S45°20'W 205.00 feet, more or less, to a point on the northeasterly boundary of PARCEL ONE above; thence along said northeasterly line N45°10'05"W 10.00 feet to the point of beginning.

EXHIBIT 7



2002-0044683

RECORDING REQUESTED BY:
Napa Land Title

AND WHEN RECORDED MAIL TO:

Mr. and Mrs. John M. Bryan
10 Requa Place
Piedmont, CA 94611

Recorded
Official Records
County Of
NAPA
JOHN TUTEUR
Recorder

REC FEE 10.00

08:00AM 04-Nov-2002

EV
Page 1 of 2

027-250-052

THIS SPACE FOR RECORDER'S USE ONLY:

Title Order No.: 608-548

Escrow No.: 26354278

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$NONE **

☒ computed on full value of property conveyed, or
☐ computed on full value less value of liens or encumbrances remaining at time of sale.
☒ Unincorporated area ☐ City of Napa AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
 John M. Bryan and Alan R. Brudos, co-trustees of The John M. and Florence E. Bryan Trust dated
 August 19, 1991

hereby GRANT(s) to:

John M. Bryan and Florence E. Bryan, Husband and Wife as Community Property

the real property in the County of Napa, State of California, described as:
 LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF
 Also Known as: 1399 Bella Oaks Lane, Napa, CA 94558
 AP#: 027-250-052

**Deed solely recorded for loan purposes. No realty sold and/or consideration.

DATED October 16, 2002

STATE OF CALIFORNIA

COUNTY OF

On

Before me, Damien Wayne Ha
 A Notary Public in and for said State, personally appeared

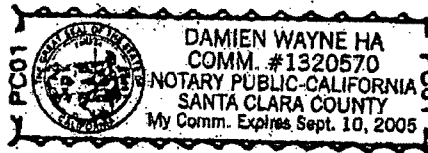
John M. Bryan

Alan R. Brudos

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument
 WITNESS my hand and official seal.

John M. Bryan, co-trustee

Alan R. Brudos, co-trustee



SEAL AFFIXED

Signature

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

END OF DOCUMENT

Exhibit "A"

Legal Description

PARCEL ONE: Commencing at the most Westerly corner of that certain tract of land described in the deed to NAPA/KS 1994 TRUST, u/a dated October 24, 1994, John M. Bryan Trustee, recorded November 15, 1994 under Series Number 1994-033763 of Official Records of Napa County; thence along the Northwestern line thereof North 44° 40' East a distance of 392 feet to a point on the Western boundary line of the Caymus Rancho at an iron stake which marks the most Westerly corner of the 106.93 acre tract of land conveyed by Clarence N. Riggins, Administrator of the Estate of Mary A. Doak, deceased to Arthur W. Bennett by Deed recorded July 08, 1926 in Book 18 at Page 455 of Official Records of Napa County; thence along the Northwestern line of said lands of Bennett North 45° 20' East 80.50 feet to an angle point which forms the Northwestern line of that certain tract of land described in the Deed to John M. Bryan, Trustee of the NAPA/AA 1994 Trust, u/a dated 10/24/94, recorded December 13, 1999 under Series Number 1999-0037525 of Official Records of Napa County; thence along the Northwestern line thereof North 45° 20' East a distance of 604.46 feet to the Point of Beginning; thence continuing along the boundary of the lands of the NAPA/AA 1994 Trust the following courses and distances: S43° 47' 49" E 352.00 feet, S64° 42' 13" E 155.29 feet to an iron pipe monument marked "RCE 10648", N45° 44' 58" E 151.43 feet to an iron pipe monument marked "RCE 10648", N19° 14' W 91.62 feet to a ¾" iron pipe monument marked "RCE 10648", N46° 07' 45" E 248.63 feet to an iron pipe marked RCE 10648", N 41° 20' 45" W 156.90 feet to an iron pipe monument marked "RCE 10648", S48° 29' 36" W 118.07 feet to an iron pipe monument marked "RCE 10648", N74° 36' 00" W 178.26 feet, N 45° 10' 05" W 103.36 feet, more or less, to a point on the Northwestern line of that certain tract of land described in the Deed to NAPA/KS 1994 TRUST, u/a dated 10/24/94, John M. Bryan Trustee; recorded November 15, 1994 under Series Number 1994-033769 of Official Records of Napa County; thence along said Northwestern line and the Southwesterly prolongation thereof, South 45° 20' West a distance of 290.20 feet, more or less, to the Point of Beginning.

APN: 027-250-052

PARCEL TWO: An easement for the maintenance, repair and replacement of an existing septic leach field, described as follows:

Beginning at the Southwesterly terminus of that certain course of Parcel One above shown as "S48° 29' 36" W 118.07 feet"; thence along the Northeasterly boundary of said Parcel One above described N 74° 36' 00" W 178.26 feet and N 45° 10' 05" W 33.36 feet; thence N 44° 49' 55" E 87.06 feet, more or less, to a point which is N 45° 10' 05" W from the Point of Beginning; thence S 45° 10' 05" E 188.92 feet, more or less, to the Point of Beginning.

PARCEL THREE: A non-exclusive easement for the maintenance, repair and replacement of an existing septic leach field, 10 feet in width, described as follows:

Beginning at the Northwestern terminus of that certain course called "N45° 10' 05" W 103.36 feet" described in PARCEL ONE above, said point being on the Northwestern boundary of that certain tract of land described in Deed to John M. Bryan, Trustee of the NAPA/AA 1994 Trust, u/a dated 10/24/94, recorded December 13, 1999 under Series Number 1999-0037525 of Official Records of Napa County; thence along the Northwestern boundary thereof N 45° 20' E 205.00 feet; thence leaving said Northwestern boundary S 45° 10' 05" E 10.00 feet; thence S 45° 20' W 205.00 feet, more or less, to a point on the Northeasterly boundary of PARCEL ONE above; thence along said Northeasterly line N 45° 10' 05" W 10.00 feet to the point of beginning.

WINSTON & STRAWN LLP
 ROLF S. WOOLNER (CA SBN: 143127)
 HANNAH L. BLUMENSTIEL (CA SBN: 214842)
 101 California Street, Suite 3900
 San Francisco, CA 94111
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 Facsimile: (415) 591-1400
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 Email: hblumenstiel@winston.com

MACCONAGHY & BARNIER, PLC
 JOHN H. MACCONAGHY (S.B. No. 83684)
 645 First Street West, Suite D
 Sonoma, CA 95476
 Telephone: (707) 935-3205
 Facsimile: (707) 935-7051
 Email: macclaw@macbarlaw.com

Co-Counsel for Plaintiff,
 The Official Committee of Unsecured Creditors

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SANTA ROSA DIVISION**

In re:

Case No. 05-14659 AJ11

THE LEGACY ESTATE GROUP LLC, a
 California Limited Liability Company, formerly
 doing business as FREEMARK ABBEY WINERY,
 BYRON VINEYARD & WINERY, AND
 ARROWOOD VINEYARDS & WINERY,

Chapter 11

Debtor.

OFFICIAL COMMITTEE OF UNSECURED
 CREDITORS OF THE LEGACY ESTATE
 GROUP, LLC,

Adversary Proceeding No. 06-01173

Plaintiff,

v.

JOHN M. BRYAN, JOHN M. AND FLORENCE
 E. BRYAN TRUST, J.M. BRYAN FAMILY
 TRUST, KULWINDER SIDHU, DEVINDER
 SIDHU, PACIFIC PARAGON INVESTMENT
 FUND LTD., a British Columbia company,
 HARRY CHEW, and AIC CAPITAL PARTNERS,
 LLC, a California Limited Liability Company,

**CERTIFICATE OF SERVICE (OFFICIAL
 COMMITTEE OF UNSECURED
 CREDITORS' OPPOSITION TO BRYAN
 DEFENDANTS' MOTION TO CERTIFY
 PROCEEDING TO DISTRICT COURT
 FOR TRIAL BY JURY PURSUANT TO
 BANKRUPTCY LOCAL RULE 9015-2;
 AND DECLARATION OF JOHN H.
 MACCONAGHY IN SUPPORT)**

Defendants.

1 JOHN M. BRYAN, JOHN M. AND FLORENCE
2 E. BRYAN TRUST, J.M. BRYAN FAMILY
TRUST,

3 Defendants/Cross-Claimants,

4 v.

5 KULWINDER SIDHU, DEVINDER SIDHU,
6 PACIFIC PARAGON INVESTMENT FUND
LTD., a British Columbia Company, HARRY
7 CHEW, and AIC CAPITAL PARTNERS, LLC, a
California Limited Liability Company, and
8 LAMINAR DIRECT CAPITAL, L.P., a Texas
Limited Partnership,

9 Defendants/Cross-Defendants.

10
11 I, Janice S. Groshak, certify and declare as follows:

12 I am over the age of eighteen years and not a party to this action. I am an employee
13 of Winston & Strawn LLP, and my business address is 101 California Street, 39th Floor,
14 San Francisco, California, 94111. On February 22, 2007, I served true and correct copies of:

15 **OFFICIAL COMMITTEE OF UNSECURED CREDITORS' OPPOSITION TO**
16 **BRYAN DEFENDANTS' MOTION TO CERTIFY PROCEEDING TO DISTRICT**
17 **COURT FOR TRIAL BY JURY PURSUANT TO BANKRUPTCY LOCAL RULE**
9015-2

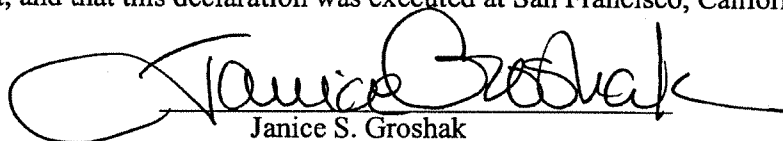
18 **DECLARATION OF JOHN H. MACCONAGHY IN SUPPORT OF PLAINTIFF'S**
19 **OPPOSITION TO BRYAN DEFENDANTS' MOTION TO CERTIFY PROCEEDING**
20 **TO DISTRICT COURT FOR TRIAL BY JURY PURSUANT TO BANKRUPTCY**
LOCAL RULE 9015-2

21 ☐ by first class mail. I am familiar with the business practice at my place of business for
22 collection and processing of correspondence for mailing with the United States Postal
23 Service. Correspondence so collected and processed is deposited with the United States
Postal Service that same day in the ordinary course of business. The document(s) was
(were) placed for deposit in the United States Postal Service in a sealed envelope(s), with
postage fully prepaid, addressed as set forth on the attached service list(s).

24 ☐ by facsimile transmission to the parties and facsimile number(s) set forth on the attached
25 service list. I sent such document from facsimile machine 415-591-1400. I certify that
26 said transmission was completed and that all pages were received and that a report was
generated by facsimile machine 415-591-1400 which confirms said transmission and
receipt.

- 1 ☐ by overnight delivery by enclosing a true and correct copy of said document(s) in a
2 Federal Express envelope(s) addressed as set forth on the attached service list. The
3 envelope(s) was (were) sealed and deposited with Federal Express that same day in the
4 ordinary course of business at San Francisco, California.
- 5 ☐ by messenger by handing a copy of said document(s) to _____, for
6 personal service by its agent to the person(s) at the address(es) set forth on the attached
7 service list.
- 8 ☐ by personally delivering the document(s) to the person(s) at the address(es) set forth on
9 the attached service list.
- 10 ☒ by email transmission to the individuals and email addresses as set forth on the attached
11 service list. I caused the document(s) to be transmitted via email. I am readily familiar
12 with my firm's practice for email transmissions. In sending the above described
13 document by email, I followed the firm's ordinary business practices.

14 I declare under penalty of perjury under the laws of the United States of America that
15 the foregoing is true and correct, and that this declaration was executed at San Francisco, California,
16 on February 22, 2007.

17 
18 Janice S. Groshak

SERVICE LIST

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Rebecca U. Littenecker, Esq. McNutt & Littenecker LLP rlittenecker@ml-sf.com	Counsel to Chapter 11 Trustee for Connaught Capital Partners, LLC
John A. MacConaghy, Esq. MacConaghy & Barnier, PLC macclaw@macbarlaw.com	Co-Counsel to Creditors Committee